

THE EFFECTIVE DATE OF THIS ORDINANCE IS AUGUST 12, 2005

ORDINANCE NO. 05-22-383

RE: Nonacceptance of Certain Zoning Text Amendments

PREAMBLE AND LEGISLATIVE FINDINGS OF FACT

The Board of County Commissioners ("BOCC") has begun the process of a comprehensive rewrite of the Frederick County Zoning Ordinance. *Frederick County Code 1979, Chapter 1-19*. The County Zoning Ordinance was initially adopted in 1977 with Ordinance No. 77-1-78 (January 24, 1977).

The Board of County Commissioners has undertaken to rewrite this zoning ordinance. On March 26, 2002 the Board of County Commissioners appointed a Citizens Zoning Review Committee (CZRC) to recommend revisions and the rewriting of the Zoning Ordinance.

The CZRC submitted its final report to the BOCC on August 18, 2003.

On September 11, 2003 staff presented a timeline for the BOCC to consider for the update of the Zoning Ordinance. The BOCC conducted a thorough review of the CZRC recommendations between October 2003 and September 2004 to provide further guidance to staff prior to any rewrite.

The existing zoning ordinance contains an application process for zoning text amendments.

Section 1-19-60(a) provides: “Any person may submit an application for a zoning text amendment on forms provided by the planning department.”

The Zoning Administrator is then required to review any such application.
Section 1-19-60(b).

These applications are then submitted to the Frederick County Planning Commission for review and recommendation and to the Board of County Commissioners for consideration and adoption.

During the process of the comprehensive zoning ordinance rewrite, the Board of County Commissioners desires staff, as well as the Frederick County Planning Commission and Board of County Commissioners, to devote as much time and effort as possible to the comprehensive rewrite process.

Time spent reviewing individual zoning text amendments limits the time staff as well as the Planning Commission and Board of County Commissioners have to devote to the comprehensive rewrite process.

The Board of County Commissioners has determined that in order to maintain progress on the rewrite of the Zoning Ordinance it is necessary to defer the acceptance of zoning text amendments for a period of ninety (90) days from the effective date of this Ordinance, or the date of the adoption of the rewritten Zoning Ordinance, whichever is earlier. Deferral of the acceptance of zoning text amendments will enable the Division of Planning to maximize available staff time and promote efficiency in the comprehensive rewrite process.

The Board of County Commissioners has considered and determined that ample adequate alternative avenues exist to address any needed text amendments during the deferral period.

Under Section 1-91-61(a) of the zoning ordinance: "The board of county commissioners, the planning commission or county staff may initiate a zoning text amendment." Not only may these specifically named groups initiate text amendment during the deferral period, any person desiring a zoning text amendment has the opportunity to convince the Board of County Commissioners, the Planning Commission or County staff to initiate a text amendment.

A duly advertised public hearing regarding this ordinance was held on August 2, 2005.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, as follows:

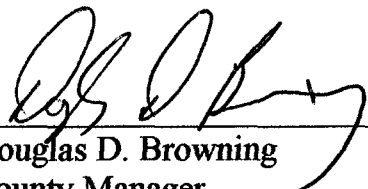
1. The Zoning Administrator shall not accept an application for a zoning text amendment from "any person" under Frederick County Code Section 1-19-60 until the earlier of:
 - a. The effective date of a comprehensive zoning ordinance rewrite, or
 - b. ninety (90) days from the effective date of this Ordinance.

2. The Zoning Administrator shall continue to accept any zoning text amendments initiated by the Board of County Commissioners, the Planning Commission or County staff pursuant to Frederick County Code Section 1-19-61.


The undersigned hereby certifies that this Ordinance was approved and adopted on the 2nd day of August, 2005.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Douglas D. Browning
County Manager



John L. Thompson, Jr., President

MJC 8/3/05